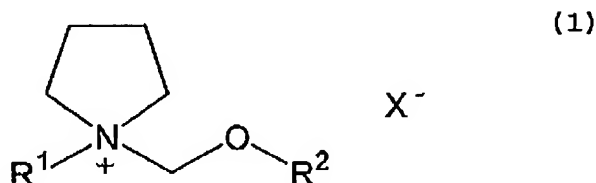


PATENT APPLN. NO. 10/563,125
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
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REMARKS

Initially, it is noted that claim 126 has been amended to limit the quaternary ammonium salt of the invention of the formula (1)



wherein $R^1 \sim R^2$ are methyl or ethyl, and X^- is BF_4^- or $N(CF_3SO_2)_2^-$, to the salt of formula (1) in which R^1 and R^2 are not methyl simultaneously. Claims 127 and 128 have been canceled.

Claim Rejections - 35 USC § 102

Claims 126 and 127 are rejected under 35 U.S.C. § 102(e) as being anticipated by the quaternary ammonium salt of Formula 6 (paragraph [0032]) of Kawasato et al., US 20030202316 ("Kawasato").

In the quaternary ammonium salt of Formula 6 of Kawasato, the groups corresponding to R^1 and R^2 of formula (1) of claim 126 of the present application are both methyl. As noted above, claim 126 has been amended to limit the quaternary ammonium salt of formula (1) to that in which R^1 and R^2 are not methyl simultaneously.

The amendment to claim 126 and the cancellation of claim 127 overcomes the 35 U.S.C. § 102(e) rejection of claims 126 and 127 over Kawasato.

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35 USC § 103 - OBVIOUSNESS REJECTION

Claims 126-132 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawasato in view of Matsumoto et al., *Electrochemical Society Proceedings*, Vol. 99-41, 2000, 186-192 (D2) ("Matsumoto"). Matsumoto is cited as teaching the use of a $N(CF_3SO_2)_2^-$ anion in a quaternary ammonium salt. The position of the Office is that it would have been obvious to a person of ordinary skill in the art to combine Kawasato and Matsumoto to obtain compounds where X^- is $N(CF_3SO_2)_2^-$.

As explained above, the quaternary ammonium salt defined in claim 126 of the present application as amended is not disclosed or suggested by Kawasato. Therefore, the proposed modification to the compound of Formula 6 of Kawasato will not result in the quaternary ammonium salt defined in claims 126 and 129-132.

Moreover, Matsumoto does not disclose quaternary ammonium salts which are pyrrolidinium salts and, for this reason, does not provide a reason to one of ordinary skill in the art to modify the quaternary ammonium salt of Kawasato, as required to obtain the quaternary ammonium salt defined by claims 126 and 129-132 of the present application, with predictable results.

Therefore, the 35 U.S.C. § 103(a) rejection is not proper.

A notice of allowability of claims 126 and 129-132 is believed

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to be in order and is respectfully solicited.

Double Patenting

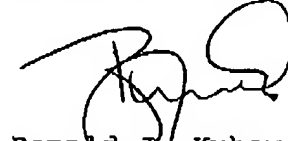
Claims 126-132 are provisionally rejected for obviousness-type double patenting (ODP) over claims 1-4 of copending Application No. 11/795,036 and claims 1 and 2 of copending Application No. 11/795,030.

Applicants respectfully request that the ODP rejection be held in abeyance.

The foregoing is believed to be a complete and proper response to the Office Action dated January 21, 2009.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension and any additional required fees may be charged to Deposit Account No. 111833.

Respectfully submitted,
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